



City of Marietta

Meeting Minutes

CITY COUNCIL SPECIAL MEETING

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Grif Chalfant, Ward 2
Holly Marie Walquist, Ward 3
Van Pearlberg, Ward 4
Rev. Anthony Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, February 25, 2009

5:15 PM

4th Floor Conference Room

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Absent: Jim King

Also Present:

William F. Bruton, Jr. City Manager

Douglas Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 5:18 p.m.

BUSINESS:

20090031 Z2009-02 Lee Jaraysi 555 Commerce Avenue

Ord 7290

Z2009-02 (REZONING) LEE JARAYSI request rezoning for property located in Land Lot 578, 17th District, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 555 Commerce Avenue from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with stipulations and variances. Ward 6.

Discussion was held regarding the rezoning ordinance, site plans and elevations submitted for property located at 555 Commerce Avenue.

A motion was made by Council member Goldstein, seconded by Council member Chalfant, to approve the ordinance for the rezoning of property located at 555 Commerce Avenue from CRC (Community Retail Commercial) to CRC (Community Retail Commercial), as stipulated with the following additional stipulations:

- 1.) The site plan initialed by the applicant shall be incorporated as a condition of the rezoning.*
- 2.) The Nazareth building elevations initialed by the applicant and dated February 25, 2009 shall be incorporated as a condition of the rezoning.*
- 3.) The Nazareth building elevations shows the number of windows for the completed project; however, the round facade shown in the bottom right hand corner of the elevations shall not be included and shall be overwritten by the site plan.*

Mr. Jarayssi agreed to comply with the stipulations of the motion.

Mayor Dunaway noted that there was no one present in opposition of the rezoning.

The motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 5 - 1 - 0

Approved as Stipulated

Vote Against: 1 - Holly Walquist

20090185 Jaraysi vs. City of Marietta

Motion to approve Settlement, Release, Covenant Not to Sue and Dismissal Agreement between Mr. Jaraysi (including his entities) and the City of Marietta, subject to the final approval of the City Manager and City Attorney.

The motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

The meeting was recessed at 5:31 p.m., and reconvened at 7:43 p.m.

A motion was made by Council member Coleman, seconded by Council member Pearlberg, to suspend the rules of order to add an agenda item regarding the 5% rental restriction and limitation. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

(See agenda item 20090191)

20090191 Five-percent (5%) rental restriction and limitation

Motion to authorize the waiver of Marietta's five-percent (5%) rental restriction and limitation provided that all of the following conditions have been met:

1. The waiver shall apply only to lease/purchase agreements and each lease/purchase agreement shall expire or the purchase be completed on or before the twenty-fourth (24th) month following the adoption of this motion.
2. The waiver shall apply only to condominiums and townhouses and shall not apply to single-family residential property.
3. The waiver shall apply to condominiums and townhouses which have completed construction and have a currently existing final certificate of occupancy on or before the date of the adoption of this motion.

4. This waiver shall be valid only for the properties which have been submitted to the Director of Development Services who shall review and approve or reject such request. The waiver shall apply only to those units receiving prior written approval as set forth herein.

5. This waiver shall expire fully and completely on the twenty-fourth (24th) month following the adoption of this motion.

Motion to authorize advertisement of a waiver of Marietta's five-percent (5%) rental restriction and limitations. The matter shall be placed on the Judicial/Legislative Committee agenda for a meeting to be held following the Committee of the Whole meeting on March 9, 2009. Further, the matter shall be heard at a Special Called City Council meeting to be held March 25 or 26, 2009.

The motion was made by Council member Coleman, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 1 - 0

Approved

Vote Against: 1 - Philip M. Goldstein

ADJOURNMENT:

The meeting was adjourned at 7:45 p.m.

Date Approved: 03/11/09

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk